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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 ISAAC RUIZ,

11 Plaintiff,

12 v.

13 JERRY KIMES, *et al.*,

14 Defendants.

15 Case No. C07-5273RBL

16 ORDER ADOPTING
17 THE REPORT AND
18 RECOMMENDATION

19 The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley
20 Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find
21 and ORDER:

- 22 (1) The Court adopts the Report and Recommendation;
23 (2) Defendants motion to dismiss is **DENIED**.
24 (3) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J. Kelley
25 Arnold.

26 DATED this 29th day of October, 2007.

27 
28 RONALD B. LEIGHTON
29 UNITED STATES DISTRICT JUDGE